Case: 1:22-cr-00450-CAB Doc #: 37 Filed: 07/11/25 1 of 4. PageID #: 495

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF OHIO EASTERN DIVISION

3

1

2

4

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

5 Plaintiff,

CASE NO. 1:22-CR-0450

SENIOR JUDGE CHRISTOPHER A. BOYKO

MOTION FOR LEAVE TO WITHDRAW

MATTHEW J. TURNIPSEEDE,

VS.

UNITED STATES OF AMERICA,

Defendant.

Pursuant to Local Criminal Rule 57.21, J. MICHAEL MURRAY, ESQUIRE, Berkman, Gordon, Murray & DeVan, local counsel; and RICHARD A. WRIGHT, ESQUIRE, and RUSSELL E. MARSH, ESQUIRE, Wright Marsh & Levy, admitted *pro hac vice*, hereby move this Court for an Order allowing them and their firms to withdraw as counsel for Defendant Matthew Turnipseede,

BACKGROUND

and request that new counsel be appointed to represent Mr. Turnipseede.

On August 10, 2022, Matthew Turnipseede was indicted in this case. ECF No. 1. On August 22, 2022, Richard A. Wright and Russell E. Marsh of Wright Marsh & Levy in Las Vegas, Nevada, were granted leave to appear *pro hac vice* in this case. ECF Nos. 2-3. J. Michael Murray of Berkman, Gordon, Murray & DeVan has also appeared as local counsel in this case. These counsel have represented Mr. Turipseede in this case in every matter since his initial appearance and arraignment by video on September 8, 2022. ECF Nos. 5-8.

On November 22, 2024, Mr. Turnipseede pleaded guilty to several counts in this case, pursuant to a Plea Agreement. ECF No. 23. On May 21, 2025, Mr. Turnipseede was sentenced by the Court to 65 months of imprisonment. ECF No. 33. He is scheduled to self-report to the U.S. Bureau of Prisons on August 19, 2025.

Mr. Turnipseede retained Mr. Marsh and Mr. Wright in Nevada in 2021, before the commencement of this case, and he has remained a client of Wright Marsh & Levy since that time. He also retained Mr. Murray to represent him as local counsel.

Following sentencing, on or about July 1, 2025, Mr. Turnipseede communicated with Mr. Marsh in writing that he wished to terminate the services of his firm. He indicated, among other things, that he wished to pursue a motion under 28 U.S.C. § 2255. Mr. Turnipseede also has questions about self-surrendering that counsel cannot fully advise him on given the breakdown in communication.

Counsel have explained to Mr. Turnipseede that based on their understanding of the local rules, they must receive leave of court to withdraw from the case, and that Mr. Murray would also need to seek to withdraw. Counsel have also advised Mr. Turnipseede that, given his financial situation, he should seek appointment of counsel by the Court, either the Federal Public Defender or CJA counsel, to assist him in the criminal case at least until he reports to prison. Mr. Turnipseede asks that he be appointed new counsel.

ARGUMENT

Under Local Criminal Rule 57.21, attorneys of record "may not withdraw . . .without first providing written notice to the client and all other parties and obtaining leave of court." Counsel have notified Mr. Turnipseede and government counsel, Assistant U.S. Attorney Erica Barnhill, that they intend to seek leave to withdraw. The government has indicated that it takes no position regarding this motion.

Under the circumstances, this Court should grant counsel the requested leave to withdraw. Mr. Turnipseede has asked to terminate the relationship, and there is an obvious conflict of interest, given the client's expressed desire to file a 2255 motion. *See* Nevada Rules of Professional Conduct (NRPC) 1.16(b) (regarding good cause for withdrawal).

Counsel also ask that, based on Mr. Turnipseede's and his family's present financial situation, he be appointed counsel. Counsel understand that sufficient paperwork may be required, and have reached out to the Federal Public Defender's Office to coordinate with Mr. Turnipseede on that.

26 ///

27 ///

28 ///

Case: 1:22-cr-00450-CAB Doc #: 37 Filed: 07/11/25 3 of 4. PageID #: 497

1	CERTIFICATE OF SERVICE
2	I HEREBY CERTIFY that on the 11th day of July, 2025, I caused a copy of the foregoing
3	MOTION FOR LEAVE TO WITHDRAW to be served via the Court's CM/ECF electronic filing
4	system addressed to all parties on the e-service list. A copy was also served on Mr. Turnipseede by
5	mail.
6	
7	BY /s/ Debbie Caroselli An employee of Wright Marsh & Levy
8	An employee of Wright Marsh & Levy
9	
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	

Case: 1:22-cr-00450-CAB Doc #: 37 Filed: 07/11/25 4 of 4. PageID #: 498